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Atty. Dkt. No. 042397-0201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matsubara, et al.
Title: GENE SIGNATURE
Appl. No.: 08/530,112
Filing Date: 7/10/1995
Examiner: Shukla
Art Unit: 1732

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. Wesley B. Ames (Printed Name) <i>Wesley B. Ames</i> (Signature) January 7, 2002 (Date of Deposit)

AMENDMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action dated March 7, 2001, concerning the above-referenced patent application. A Request for Continued Examination is attached.

REMARKS

The present claims concern specifically identified nucleic acid sequences that uniquely correspond to mRNA molecules expressed in human tissues.

Rejections under 35 USC §101

The Examiner rejected claims 1, 3, 13, 21, and 29-68 under 35 USC §101, asserting that the claimed nucleotides would only be used to carry out further research on the invention itself and characterize it. The Examiner further asserted that information about the function of the encoded protein would be needed. Applicant respectfully traverses these rejections and requests that the Examiner reconsider and withdraw the rejections.

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